

Remarks

Currently pending are claims 1-24. Support for new claims 23 and 24 can be found at, for examples, page 19 of the specification. No new matter has been added. In view of the amendments above and following remarks, Applicants respectfully request reconsideration by the Examiner, and advancement of the application to allowance.

35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1-22 under 35 U.S.C. § 112, second paragraph, as being indefinite. With regards to the first black dye mixture (D), Applicants have amended claim 1 to particularly point out and distinctly claim the subject matter Applicants regard as the invention. With regards to claim 8, Applicants have amended dye XIIc to include the missing hydrogen. Applicants have also amended claim 6 so that the metes and bounds can be determined. Finally, Applicants have amended claim 9 to properly depend on claim 1. Applicants respectfully request the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Examiner also rejected claims 1-22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states the addition of the amended red dye structures VIIe and VIIf is new matter and that the present application has basis for only a six component red dye mixture comprising structures VIIa-VIIId. Accordingly, Applicants have amended the claims to recite a six component red dye mixture containing four dyes having the formulae VIIa – VIIId. Applicants respectfully request the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

35 U.S.C. § 103(a)

The Examiner rejected claims 1-6 and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Pichler et al. (WO 02/059216). The Examiner acknowledges Applicants data in the specification is persuasive that the red dyeing mixture (B) of the dyes of formulae VIIa – VIId combined with the dye of formula VIII provides superior performance. Furthermore, Pilcher et al. does not teach or suggest a blue dyeing mixture of formulae Xa and Xb together with the dye of formula IX as required for blue dyeing mixture (C). Therefore, claimed blue dyeing mixture (C) is clearly distinguished over Pilcher et al. Finally, Applicants submit the Declaration of Griffin which provides comparative data showing that the yellow dyeing mixture (A) of the present invention surprisingly enhances the lightfastness of the dye mixture when used in textile substrates exposed to high temperature environments. In particular, a dye mixture of yellow dyes of formula I combined with formula II significantly improves the performance of a dye mixture which contains a yellow dye of formulae I, II, IV or VI alone. The dye expert found this to be very surprising and completely unexpected. Applicants respectfully request the rejections based on Pilcher et al. be withdrawn.

Claims 1-4 and 12-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Loeffler et al. (US Pat. No. 5,484,460). Applicants concur Loeffler et al. teaches some of the individual dyes of the claimed invention. However, Loeffler et al. does not teach or suggest Applicants claimed yellow dye of formula I or its combination with other yellow dyes as required in the present set of claims. In addition, Loeffler et al. does not teach or suggest Applicants claimed red dyes of formula VIIa – VIId or their combination with the dye of formula VIII as required in the present set of claims.

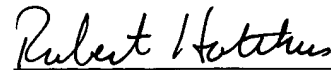
Finally, Loeffler et al. does not teach or suggest Applicants claimed blue dye of formula IX or its combination with dyes of the formula Xa and Xb as required in the present set of claims. Applicants reiterate from the previous response that Loeffler's blue anthraquinone dye of formula XII (col. 8, lines 55-60) where the phenylamino may be substituted by hydroxyl, C₁-C₄ alkyl or C₁-C₄ alkoxy does not include hydroxyethyl. Nor does Loeffler et al. suggest such a substitution. Therefore, Applicants respectfully request the rejections under 35 U.S.C. § 103 (a) be withdrawn.

Conclusion

Applicants respectfully submit that the application is now in condition for allowance, and respectfully request an issuance of a Notice of Allowance directed towards the pending claims.

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Huntsman Corporation Deposit Account No. 08-3442.

Respectfully Submitted,



Robert Holthus
Reg. No. 50,347
Attorney for Applicants

Date: 11/6/06